

ZB# 01-43

**Konstantinos
Panagiotopoulos**

69-1-9.1

#01-43 - Panagiotopoulos, K.
Area (Sign) 69-1-91.

Prelim.

Aug. 13, 2001.
Proxy needed.

Public Hearing:

October 22, 2001.

Granted

Refund \$408.

Mania

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Paragiotopolis

FILE# 01-43

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

*paid ck # 2011
10/4/01.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

paid ck # 1010.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 8/13/01-3 \$ 13.50

2ND PRELIMINARY- PER PAGE \$

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE 10/22/01-2 \$ 9.00

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 22.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 8/13/01 \$ 35.00

2ND PRELIM. \$

3RD PRELIM. \$

PUBLIC HEARING. 10/22/01 \$ 35.00

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 92.00

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT .. \$ 408.00

Date 11/01/01,

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Konstantinos G. Paragiortopoulos DR.
65 Eisenhower Drive, Middleham, NY 10940

[illegible]

FIESTA CINCO DE MAYO, INC
1004 ROUTE 94
NEW WINDSOR, NY 12553

1011

10/4/01

DATE

1-108/210

PAY TO THE
ORDER OF

Town of New Windsor \$ 150.00
one hundred fifty dollars — 00/100 DOLLARS

Security
Features
Detailed on
Back

HSBC



HSBC Bank USA Vails Gate, NY 12564

FOR

Sign 20A # 01-43

Maia Stoka

⑆02⑆00⑆088⑆078799668⑆ 1011

FIESTA CINCO DE MAYO, INC
1004 ROUTE 84
NEW WINDSOR, NY 12553

1010

10/4/01

DATE

1-108/210

PAY TO THE
ORDER OF

Town of New Windsor

\$ 500.00

Five hundred dollars — 00/100

DOLLARS



Security
Features
Details on
Back

HSBC



HSBC Bank USA Vails Gate, NY 12584

FOR

Sign 264 #01-43

Maia Estelha

⑆021001088⑆078799668⑆ 1010

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#064-2001

10/05/2001

ZBA 01-43

Fiesta Cinco De Mayo, Inc.
1004 Route 94
New Windsor, NY 12553

Received \$ 150.00 for Zoning Board Fees on 10/05/2001. Thank you for stopping by
the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

Date 12/26/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
<u>12/26/01</u>		Zoning Board Meeting	75	00
		Misc. - 1		
		- Searing - 5		
		Moishuel - 4		
		Santos - 4		
		- Sheehan - 2		
		Lucas - 3		
		- Weed - 6		
		- Manera - 2		
		- Scheuermann - 2		
		Di Micelli - 6		
		Bila/DC Trust - 3		
		Botzakis - 3		
			211	50
			286	50

-----X
In the Matter of the Application of

PANAGIOTOPOULOS/FIESTA CINCO DE MAYO

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#01-43.
-----X

WHEREAS, KONSTANTINOS G. PANAGIOTOPOULOS, 65 Eisenhower Drive, Middletown, N. Y. 10940, owner, and **FIESTA CINCO DE MAYO, dba Tomas Guzman**, 27 East Avenue, Washingtonville, N. Y. 10992, tenant, have made application before the Zoning Board of Appeals for a 16 sq. ft. sign variance for a freestanding sign to be located at 1004 Route 94 (formerly Demo's Café), in a C zone; and

WHEREAS, a public hearing was held on the 22nd day of October, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Maria Estrella for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The premises are located on a busy highway in the Town of New Windsor.
 - (b) The proposed sign replaces the former "Demo's Café" sign which had been destroyed during a storm. Applicant ordered a new sign to be constructed that was the same size as the former sign, but did not realize that the previous sign did not conform to Town Code.
 - (c) The proposed freestanding sign will be illuminated with steady, interior illumination which will not be flashing.

(c) There are multiple other stores and signs along the same highway.

(d) The proposed sign will not obstruct the view of traffic on the highway and will be located in the area where the previous sign was located.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance as previously stated is reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.

8. The interests of justice will be served by allowing the granting of the requested area variance.

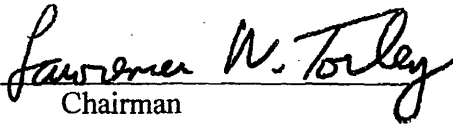
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 16 sq. ft. sign area variance for a freestanding sign for a new restaurant to be known as Fiesta Cinco de Mayo located at 1004 Route 94 (formerly Demo's Café) in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 14, 2002.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-43

Date: Oct. 4, 2001.

I. ✓ Applicant Information:

- (a) Konstantinos G. Panagiotopoulos X.
(Name, address and phone of Applicant) (Owner)
(b) Tomas Guzman 27 East Avenue Washingtonville NY 10992
(Name, address and phone of purchaser or lessee) 497-1185
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) C 10042k94 New Windsor 69-1 9.1
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? Dunkin Don. Price Shopper center
(c) Is a pending sale or lease subject to ZBA approval of this application? NO
(d) When was property purchased by present owner? 9/99
(e) Has property been subdivided previously? NO
(f) Has property been subject of variance previously? don't know.
If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. ~~Use Variance.~~

- ~~(a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____,
to allow:
(Describe proposal) _____~~

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No ___.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section ____, Table of ____ Regs., Col. ____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18, Supp. Sign Regs.

	Requirements	Proposed or Available	Variance Request
Sign 1	<u>64.80 sq. ft.</u>	<u>80 sq. ft.</u>	<u>16 sq. ft.</u>
Sign			
Sign 3			
Sign			

✓ (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

Free standing sign with two faces, no other signs on property so we are requesting 16 sq. ft. variance

✓ (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?
only sign 80 sq. ft. no other signs.

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

PANOGIOTOPOULOS/FIESTA CINCO DE MAYO

MR. TORLEY: Request for 16 square foot sign variance for freestanding sign at former Demo's Cafe at 1004 Route 94 in C zone. Is there anyone in the audience who wishes to speak on this matter? There being none, so note please for the record.

MS. CORSETTI: We sent out 27 notices on October 5 of this public hearing.

Mr. Estrella appeared before the board for this proposal.

MR. ESTRELLA: Just trying to get permission to put my sign up, says request for 16 foot, I was over.

MR. KANE: Are you replacing the same sign that was in existence?

MR. ESTRELLA: The same sign that was there before had been knocked down in a storm and was down but it's going in the same place.

MR. KANE: Is the sign illuminated?

MR. ESTRELLA: Yes.

MR. KANE: Steady illumination, non-flashing?

MR. ESTRELLA: No flashing.

MR. TORLEY: No neon?

MR. ESTRELLA: No.

MR. TORLEY: And Mike, this sign for the area would otherwise meet all the codes?

MR. BABCOCK: Yes.

MR. TORLEY: He's entitled to one freestanding sign, this is larger.

MR. BABCOCK: He's entitled to a 64, the sign that was

there prior to him was 80 square feet, he ordered his sign based on that size 80 square feet and then when he came in to get the permit, we told him that he couldn't do that.

MR. KANE: The size of the sign is similar to other signs in the area?

MR. ESTRELLA: Yes.

MR. TORLEY: If the sign is put in, it would not obstruct the traffic view?

MR. ESTRELLA: No.

MR. TORLEY: No safety hazards?

MR. ESTRELLA: No.

MR. MC DONALD: It's going right where the other one was?

MR. ESTRELLA: Yes.

MR. REIS: I make a motion that we pass Mr. Panogiotopoulos' request for 16 square foot sign variance at Demo's Cafe.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 7/18/01

APPLICANT: Konstantinos G. Panagiotopoulos
65 Eisenhower Drive
Middletown, NY 10940

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Sign

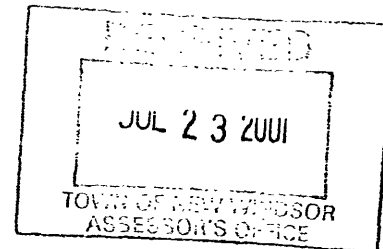
LOCATED AT: 1004 Rt. 94

ZONE: C Sec/Blk/ Lot: 69-1-9.1

DESCRIPTION OF EXISTING SITE: Vacant Restaurant

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18 H. 1a Freestanding signs total of all faces 64sqft. Proposed sign 80sqft, a variance of 16sqft is required.



Louis J. Kyriakou
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE: Freestanding sign

SIGN:

FREESTANDING: 64sqft

80sqft

16sqft

HEIGHT:

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A.. APPLICANT. FILE.W/ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUL 16 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit # 2001-723

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises KONSTANTINOS PANAGIOTOPoulos
Address 65 Eisenhower Dr. Middletown, NY 10940 Phone 845-342-4683 Home
342-3500 wk.
Mailing Address _____ Fax # _____
Name of Architect _____
Address _____ Phone Call Thomas
497-1185
Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of (1004 Rt 94)
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 69 Block 1 Lot 9.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00 **PAID**

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

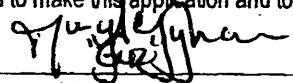
Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

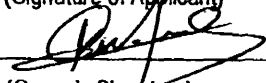
INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

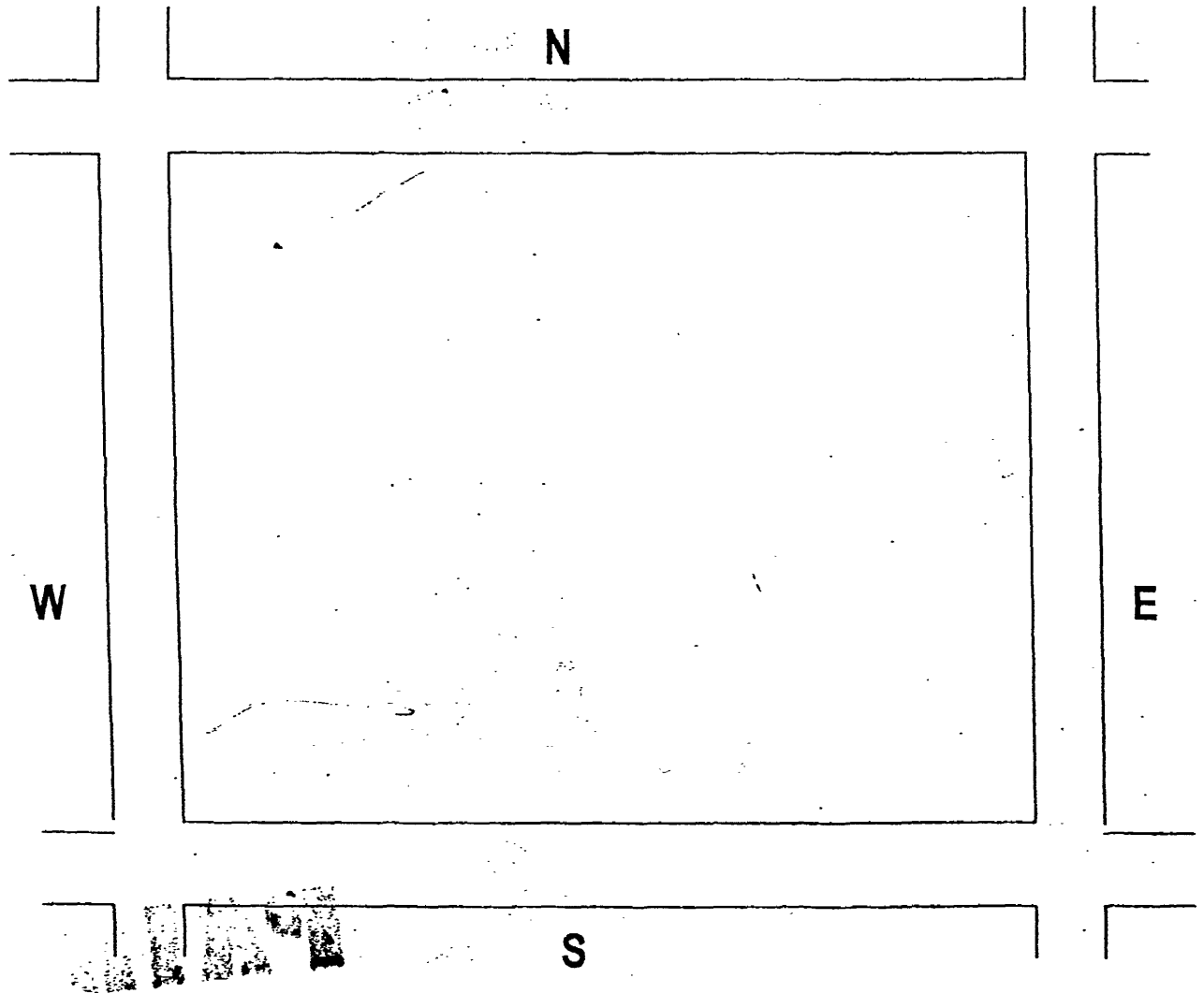

(Signature of Applicant)

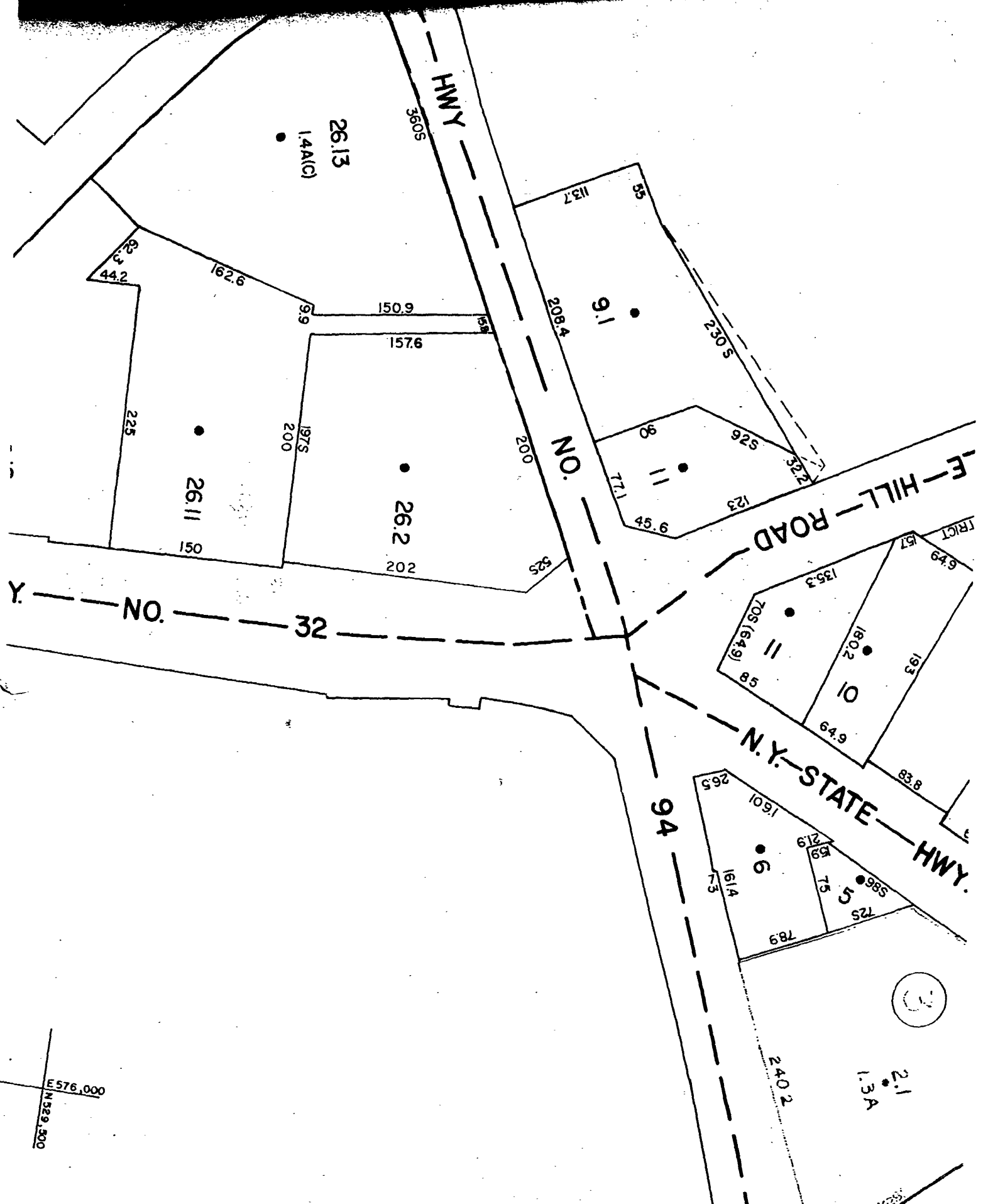
27 E. AVE WASHINGTONVILLE, NY 10992
(Address of Applicant)


(Owner's Signature)

68 EISENHOWER DR MIDDLETOWN NY 10940
(Owner's Address)

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





E 576,000
N 529,300



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

27

September 20, 2001

Maria Eshrella
1004 Rt 94
New Windsor, NY 12553

Re: 69-1-9.1

Dear Ms. Eshrella,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced properties.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

69-1-4.3
Route 300 Associates
C/o John Yanaklis
550 Hamilton Ave
Brooklyn, NY 11232

69-1-11
June & Leon Trudeau
94 Canterbury Road
Ford Montgomery, NY 10928

69-2-5 ; 69-2-6
R & S Foods Inc.
249 North Craig Street
Pittsburgh, Pa 15213

69-2-7
NYS Dept. of Transportation
Office of State Comptroller
Legal Services 6th Floor
A.E. Smith Building
Albany, NY 12236

69-2-8
John Grana
P.O. Box 317
Vails Gate, NY 12584

69-2-9
Primavera Properties, Inc.
P.O. Box 177
Vails Gate, NY 12584

69-2-10
Angelo Rosmarino Enterprises, Inc.
P.O. Box 392
Vails Gate, NY 12584

69-2-11
Amerada Hess Corp.
C/o Dean E. Cole, Mgr. Property Tax Dept.
1 Hess Plaza
Woodbridge, NJ 07095

69-2-12.1
MCB Partnership
521 Green Ridge Street
Scranton, Pa 18509

69-3-2.1
TGS Associates, Inc.
15 East Market Street
Red Hook, NY 12571

69-3-5
S & S Properties, Inc.
123 Quaker Road
Highland Mills, NY 10930

69-3-6
DB Companies
DBA DB Mart Convenience Stores
P.O. Box 9471
Providence, RI 02940

69-4-10
Helen Simonson
Box 485
Vails Gate, NY 12584

69-4-11
County of Orange
255-275 Main Street
Goshen, NY 10924

69-4-12
Mary & Wilbur Brewer
P.O. Box 610
Vails Gate, NY 12584

69-4-16
Ruth Ann & Russell Brewer
P.O. Box 103
Vails Gate, NY 12584

69-4-17
Helen, Ida Mae & Michael Brewer
P.O. Box 293
Vails Gate, NY 12584

69-4-18
Beatrice Deyo, Hannah Marie &
Arthur Scherf
P.O. Box 293
Vails Gate, NY 12584

69-4-19.2
Central Hudson Gas & Electric Corp.
284 South Ave
Poughkeepsie, NY 12602

69-4-26.11
Franchise Realty Interstate Corp.
C/o Colley & McCoy Co.
P.O. Box 779
Croton Falls, NY 10519

69-4-26.12
Fred Plus 3, LLC
104 South Central Ave
Valley Stream, NY 11580

69-4-26.13
Herbert Slepoy & Fred Gardner
104 S. Central Ave
Valley Stream, NY 11580

69-4-26.2
Mobil Oil Corp.
C/o Exxon Mobil Corp.
Property Tax Division
P.O. Box 4973
Houston, TX 77210-4973

70-1-1.1; 70-1-1.2
Samuel Leonardo
7 Dogwood Hills
Newburgh, NY 1250

70-1-2.1
House of Apache Properties, LTD
C/o Herbert Slepoy
104 S. Central Ave
Valley Stream, NY 11580

70-1-2.21
Darlene Hughes
18 Ellison Drive
New Windsor, NY 12553

70-1-16.1; 70-1-16.2
4 Acres, LLC
104 South Central Ave
Valley Stream, NY 11580

LEASE

Between

KONSTANTINOS G. and THEODORA K. PANAGIOTOPOULOS, Landlord
and
TOMAS GUZMAN, Tenant

LEASE AGREEMENT

THIS AGREEMENT is made as of the day of , 2001, between KONSTANTINOS G. PANAGIOTOPOULOS and THEODORA K. PANAGIOTOPOULOS, residing at 65 Eisenhower Drive, Middletown, New York, 10940, ("*Landlord*"), and TOMAS GUZMAN, residing at 27 East Avenue, Washingtonville, New York, 10992, ("*Tenant*").

ARTICLE 1.

Demise, Term and Use

Section 1.1. Landlord hereby leases to Tenant, and Tenant hereby takes from Landlord, for the term and upon the terms, covenants and conditions set forth in this Lease, all that certain parcel of land, together with the building and improvements situate thereon, located at 1004 Route 94, New Windsor, Orange County, New York, as more fully described in Exhibit "A", attached hereto and made a part hereof, together with all rights, privileges, easements and appurtenances belonging thereto, subject to all exceptions, reservations, and other matters affecting title as of the date hereof; together with the personal property and equipment described in Exhibit "B" also attached to and made a part hereof. The land and the building and improvements together with the personal property and equipment are hereinafter referred to as the "Premises" or the "Demised Premises." The term of this Lease shall be for a period of 15 years commencing on March 1, 2001, and expiring on February 29, 2016, (the "Lease Term").

→ 97 3/8 ←



61 3/8 X 97 3/4

609-1-9.1

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 43

Request of K. & T. Panagiotopoulos/Fiesta Cinco de mayo

for a VARIANCE of the Zoning Local Law to Permit: Double - faced,

freestanding sign w/ more than the allowable

sign area; (formerly Demo's Cafe)

being a VARIANCE of Section 48-18 - Supplemental Sign Regs.

for property situated as follows:

1004 Route 94, New Windsor, N.Y.

known and designated as tax map Section 69, Blk. 1 Lot 9.1

PUBLIC HEARING will take place on the 22nd day of October, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

K. Panagiotopoulos

01-43

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 5th day of October, 2001, I compared the 27
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 01-42

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

GUS PANAGIOTOPOULOS deposes and says:
I am the OWNER of a certain parcel of land within the TOWN OF NEW
WINDSOR designated as tax map SECTION 69 BLOCK 1
LOT 9.1 I HEREBY AUTHORIZE Maria Kralja
of Tiara Co. De Mayo (company name) to make an
application before the ZONING BOARD OF APPEALS as described in
the within application.

Dated: 9-28-01.

[Signature]
(Signature of Owner)

Sworn to before me this
2 day of October, 1901.



(KRA DISK1-050095/10)

Date 9/24/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550.....

DATE			CLAIMED	ALLOWED
8/13/01		Zoning Board Mtg	75 00	
		Miz. - 3		
		Rodriguez - 2		
		Viera - 2		
		Conklin - 1		
		Steiner - 4		
		Betrix - 2		
		Panagiotopoulos - 3 13.50		
		Hofing - 3		
		First Columbia - 3		
		Deyo - 19	202 50	
		Bothwell -		
		45	277 50	

PANAGIOTOPOULOS, K.

Mr. Thomas A. Guzman appeared before the board for this proposal.

MR. TORLEY: Request for 16 square foot sign area variance for freestanding sign located at 1004 Route 94 (Five Corners) in a C zone.

MR. GUZMAN: I'm leasing the property from, I can't pronounce it.

MR. TORLEY: The old cafe next to Dunkin Donuts?

MR. GUZMAN: Yes.

MR. TORLEY: You need, you're expanding the freestanding sign?

MR. GUZMAN: Well, there used to be a sign there and we had gotten the correct measurements before we got the sign, we had the guy come up but as it turned out, I guess we probably misunderstood the way the request measurements were and it turned out to be over and we have gotten the sign already. So when we submitted the application, we gave a receipt with the measurements that the company had, you know, written down but when we brought it in, they called us back a week later and said it's over.

MR. BABCOCK: He's permitted to have 64 square feet but apparently, somehow the communication between the sign builder and himself got confused and they have already built the sign, they've got a picture of it here, it's already in the crate and when he came in to get the permit to put it up, it was 80 square feet instead of 64 square feet which the law permits.

MR. TORLEY: Okay.

MR. MC DONALD: So he needs 16 square feet?

MR. BABCOCK: That's correct.

MR. MC DONALD: Is that going to be one sign?

MR. BABCOCK: It's a freestanding sign.

MR. TORLEY: So we're covered on both sides?

MR. BABCOCK: That's correct, he's allowed 64 square foot which is 32 each side and he has 40 on each side.

MR. KANE: Obviously to send the sign back for repair would be a financial hardship.

MR. GUZMAN: Yeah because I guess I don't know how they'd be able to fix it.

MR. KRIEGER: Now, are you going to have any other signs on the building?

MR. GUZMAN: No, that's the only one right there.

MR. TORLEY: Nothing on the facade of the building?

MR. GUZMAN: No.

MR. TORLEY: You're entitled to one on the building within the size limit so you don't have to get permission as long as how many square feet?

MR. BABCOCK: 2 1/2 by 10.

MR. TORLEY: So you could put one there if you wanted to.

MR. KRIEGER: That's not what I was getting at. Are you willing to give up that sign for the building, say that you won't put a sign on the side of the building if you get permission to put this sign up?

MR. GUZMAN: Yeah.

MR. TORLEY: I'm not sure we need to get that far.

MR. KRIEGER: You did it with the other guy that was here.

MR. TORLEY: That's two signs, this is 16 square feet

so it's something you can consider for the public hearing.

MR. GUZMAN: Yeah because I haven't even thought about putting anything up but we do have, we came in, there's a little banner that says opening soon.

MR. TORLEY: Temporary signs. So are you open now?

MR. GUZMAN: No, having problems.

MR. KANE: Is the sign illuminated?

MR. GUZMAN: Yes, it lights up.

MR. KANE: Steady illumination, nothing flashing?

MR. GUZMAN: No.

MR. KANE: Andy, when he comes to the public hearing, he will need a proxy from the owner?

MR. KRIEGER: Yes.

MR. TORLEY: Any other questions?

MR. MC DONALD: Accept a motion?

MR. TORLEY: Yes, sir.

MR. MC DONALD: I request that we set Mr. Guzman up for a public hearing.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. CANE	AYE
MR. TORLEY	AYE